

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Child Welfare Services Provisions of AB 1695

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 25, 2002, as follows:

September 25, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on September 25, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
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CHAPTERS

Manual of Policies and Procedures (MPP) Division 31 (Child Welfare Services), Chapter 31-000 (General Requirements), Sections 31-001 (General), 31-002 (Definitions), and 31-075 (Case Records); Chapter 31-400 (Placement), Sections 31-401 (General Requirements for Placement), 31-405 (Social Worker Responsibilities for Placement), 31-410 (Temporary Placement), 31-420 (Foster Care Placement), 31-440 (Foster Parent(s) Notification Requirements) and 31-445 (Requirements for Approval of Relative and Nonrelative Extended Family Member Foster Family Homes)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 1695 (Chapter 653, Statutes of 2001) modifies existing statutes in various substantive and technical ways. The new statutes made the following changes:

- Includes as exempt from the California Community Care Facilities Act, the approved homes of relatives and nonrelative extended family members.
- Revises the requirements for licensure of foster family homes.
- Authorizes the Department of Justice to provide subsequent arrest notification to public agencies for the approval of relative caregivers and nonrelative extended family members.
- Clarifies that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative extended family member for the placement of a child shall be the same standards as set forth in regulations for licensing foster family homes.
- Clarifies safety requirements regarding placement in a relative's home in specified instances.
- Clarifies the list of homes into which a dependent child or a ward of the juvenile court may be placed to specifically include the approved home of a relative or the home of a nonrelative extended family member.

In addition to the regulatory changes implementing provisions of AB 1695, the proposed emergency regulations make editorial and nonsubstantive changes (i.e., reformatting, renumbering, and grammatical corrections). Regulatory and handbook material is being adopted to reflect current statutory requirements.

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$492,000 in the current State Fiscal Year. It is anticipated that State agencies will request an increase in the currently authorized budget level for the 2001-02 fiscal year.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$321,000 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Health and Safety Code Sections 1505, 1521.5, 1521.6, 1525.5; Penal Code Section 11105.2; Welfare and Institutions Code Sections 309, 319, 361.2, 361.3, 361.4, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, and 16518; and Public Law 105-89 (Adoption and Safe Families Act of 1977).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Robin Garvey (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Denise Cooper (916) 323-9381

Backup: Harriet Hopgood (916) 323-9750

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

Agenda Item(s) for this Public Hearing - September 25, 2002

ITEM #1 ORD #0402-10 Child Welfare Services Provisions of AB 1695

ITEM #2 ORD #0602-13 Electronic Benefit Transfer (EBT) Benefit Adjustments